

IN THE CLAIMS

Please amend the claims as follows:

44. (thrice amended) A method of diagnosing or evaluating human cancer in a patient comprising:

measuring the level of amplification or increased expression of a MAC117 gene, wherein the MAC117 gene contains either a nucleotide sequence encoding the amino acids encoded by the 423 nucleotides set forth in Figure 1 or the restriction pattern set forth in Figure 5A, in a tissue or tumor sample containing cells from said patient, or [increased] abnormal expression of a protein product of said [a] MAC117 gene [in] by reacting a body sample from said patient with antibodies having specific binding affinity for a least a portion of the MAC117 protein product,

the presence of amplification or increased expression of said MAC117 gene or abnormal expression of said protein product of said MAC117 gene indicating the diagnosis [presence] of cancer, and [or]

the presence of amplification or increased expression of said MAC117 gene or abnormal expression of said protein product of said MAC 117 gene indicating the presence of a cancer with a more malignant phenotype.

61. (twice amended) A method of classifying cancers comprising:

detecting amplification or increased expression of a MAC117 gene wherein the MAC117 gene contains either a nucleotide sequence encoding the amino acids encoded by the 423 nucleotides set forth in Figure 1 or the restriction pattern set forth in Figure 5A, in a tissue or tumor sample containing cells from a patient diagnosed with cancer, or abnormal expression of a protein product of said [a] MAC117 gene [in] by reacting a body sample from a patient diagnosed with cancer with antibodies having specific binding affinity for a least a portion of the MAC117 protein product, and

classifying those cancers from patients whose body samples show amplification or increased expression of said MAC117 gene or abnormal expression of the protein product of said MAC117 gene as being correlated with amplification of the MAC117 gene or increased expression of the protein product of the MAC117 gene.

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Cont.

62. (twice amended) A method of determining the progression of a tumor to a more malignant phenotype comprising measuring the level of amplification or increased expression of a MAC117 gene wherein the MAC117 gene contains either a nucleotide sequence encoding the amino acids encoded by the 423 nucleotides set forth in Figure 1 or the restriction pattern set forth in Figure 5A, in a tissue or tumor sample containing cells, or [increased] abnormal expression of a protein product of a MAC117 gene [in] by reacting a body sample with antibodies having specific binding affinity for at least a portion of said MAC117 protein product, an increase in the amplification of